



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,528	06/14/2000	Kent A. Louviere	298.006	7692

7590

03/18/2003

C Dean Domingue  
Domingue & Waddell PLC  
Suite 515 Box 75  
600 Jefferson Street  
Lafayette, LA 70501

EXAMINER

STAICOVICI, STEFAN

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/594,528

Applicant(s)

LOUVIERE, KENT A.

Examiner

Stefan Staicovici

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-6 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,8 and 16-19 is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 9-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on January 9, 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed January 9, 2003 (Paper No. 6) has been entered. Claims 1, 3, 5-6, 8, 16-17 and 19 have been amended. Claims 2 and 7 have been canceled. No new claims have been added. Claims 1, 3-6 and 8-19 are pending in the instant application.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on January 9, 203 (Paper No. 9) disclaiming the terminal portion of any patent granted on this application that would extend beyond the expiration date of US Patent No. 6,101,791 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3-4 and 9-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

✓ Claim 3 recites the limitations "said first arm" in line 2 and, "the first arm" and "the second arm" in line 2. There is insufficient antecedent basis for these limitations in the claim.

✓ Claim 9 recites the limitation "said second arm" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 4 and 10-15 are rejected as a dependent claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright *et al.* (US Patent No. 5,736,173) in view of Beck *et al.* (US Patent No. 5,040,963) and in further view of Porfano *et al.* (US Patent No. 6,164,044), McGahhey (US Patent No. 6,336,489) and JP 11-100008.

Wright *et al.* ('173) teach the basic claimed process of injection molding a container with an open end and a closed end, including a mold (10), said mold (10) having a first member (40, 34) including a female mold (14) (insert), neck ring (16), slide taper blocks (38a, 38b) and slides (36a, 36b). Further, Wright *et al.* ('173) teach a second member having a core (12) and a sleeve (30) that abuts against slides (36a, 36b) in order to further position neck ring (16), hence forming mold cavity (18) therebetween. As shown in Figure 1 the outer surface (36c) of each slide includes an inclined portion (36d), which permits motion of the sliders between an extended

position and a contracted position. The injection molding process of Wright *et al.* ('173) includes heating plastic material to form a stream of molten plastic material, positioning core (12) to form mold cavity (18) by contacting sleeve (30) against slides (36a, 36b), slider taper blocks (38a, 38b) and neck ring (16) in order to further position neck ring (16), hence forming mold cavity (18) therebetween, injecting molten plastic into mold cavity (18) through nozzle (20), in order to form a tubular product having an open end and a closed end (container).

Regarding claim 1, Wright *et al.* ('173) do not teach a plurality of cores and a manifold member attached to first member. Beck *et al.* ('963) teach an injection molding apparatus having a manifold for injection molding a plurality of containers. As seen in Figure 1 of Beck *et al.* ('963) a manifold system for a multicavity molding system includes a plurality of molding cavities (3), a plurality of cores (5) and a plurality of hot runners (33,35, 37) The molten material is channeled and injected into manifold (19) via valves (21,23) and hot runners (33, 35, 37). Heating means (39) is provided to maintain and control the temperature of the molten material as it is distributed through the hot runners of the manifold system. It would have been obvious for one of ordinary skill in the art at the time of the invention to use a plurality of molding cavities and cores, and the manifold system of Beck *et al.* ('963) in the process of Wright *et al.* ('173) in order to increase productivity by increasing the number of components manufactured in one production cycle and to improve process control by maintaining the temperature of the molten material at a constant temperature, hence avoiding short shots.

Further regarding claims 1 and 4, Wright *et al.* ('173) in view of Beck *et al.* ('963) do not teach a process for sealing said molded containers (vials). Porfano *et al.* ('044) teach a process

for assembling (measuring) and packaging a plurality of medical plastic vials (col. 4, lines 50-60) including, positioning said vials prior to packaging in a tray (84) (see Figure 5), filling (measuring) said vials with a liquid (medicine) and sealing said vials (see col. 10, lines 35-40). Therefore, it would have been obvious for one of ordinary skill in the art to have filled said vials with a liquid as taught by Porfano *et al.* ('044) in the process of Wright *et al.* ('173) in view of Beck *et al.* ('963) because, Wright *et al.* ('173) in view of Beck *et al.* ('963) teach molding and ejecting a plurality of plastic containers whereas Porfano *et al.* ('044) teach a process for assembling and packaging a plurality of containers (col. 4, lines 50-60).

Further regarding claims 1 and 3, McGahhey ('489) teach a method for sealing a plurality of vials including clamping said vials in a heater having a first arm and a second arm (32, 44), applying heat to seal said vials by measuring a heating time (see col. 1, lines 32-42), stopping the heating after a predetermined time has lapsed and unclamping said first arm and a second arm (32, 44) to remove said sealed vials (containers). Therefore, it would have been obvious for one of ordinary skill in the art to have sealed said plurality of vials including clamping said vials in a heater having a first arm and a second arm (32, 44), applying heat to seal said vials by measuring a heating time (see col. 1, lines 32-42), stopping the heating after a predetermined time has lapsed and unclamping said first arm and a second arm (32, 44) to remove said sealed vials (containers) as taught by McGahhey ('489) in the process of Wright *et al.* ('173) in view of Beck *et al.* ('963) and in further view of Porfano *et al.* ('044) because, Porfano *et al.* ('044) specifically teach sealing of a plurality of vials, whereas Wright *et al.* ('173) in view of Beck *et al.* ('963) teach molding and ejecting a plurality of plastic containers.

Further regarding claims 1 and 5, although McGahhey ('489) teaches measuring the heating time, McGahhey ('489) does not specifically teach measuring the temperature. JP 11-100008 teaches an impulse sealer that measures the sealing temperature and stops the process after the optimum temperature has been reached (see Abstract). Therefore, it would have been obvious for one of ordinary skill in the art to have measured the sealing temperature and stopped the process after the optimum temperature had been reached as taught by JP 11-100008 in the process of Wright *et al.* ('173) in view of Beck *et al.* ('963) and in further view of Porfano *et al.* ('044) and McGahhey ('489) because, Porfano *et al.* ('044) specifically teach sealing of a plurality of vials, whereas Wright *et al.* ('173) in view of Beck *et al.* ('963) teach molding and ejecting a plurality of plastic containers and also because, JP 11-100008 specifically teaches that temperature control provides for improved process control and hence an improved product.

***Allowable Subject Matter***

7. Claims 6, 8 and 16-19 have been allowed.
8. Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 10-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is an examiner's statement of reasons for allowance: the prior art does not teach or suggest a method for molding a plurality of interconnected vials including, providing a plurality of core pins and an insert means containing a first slide and a second slide having an extended and a contracted position, contracting said first slide and second slide to form a plurality of cavity profiles linked together by a plurality of arms, positioning said cores into said plurality of cavity profiles so that said plurality of core pins are free standing within said plurality of cavity profiles and injecting a plastic fluid about said plurality of core pins to form a plurality of interconnected vials.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Response to Arguments***

11. Applicant's remarks filed January 9, 2003 (Paper No. 6) have been considered, but are moot in view of the new ground(s) of rejection.



***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Staicovici, Ph.D. whose telephone number is (703) 305-0396. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM and alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D. Crispino, can be reached at (703) 308-3853. The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Stefan Staicovici, PhD



Primary Examiner

3/10/03

AU 1732

March 10, 2003